

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Saturday, December 9, 2006 - 2:00 p.m.  
Time Certain  
Embassy Suites  
2577 W. Greenway Road  
Phoenix, Arizona 85023

PRESENT: (Commission)

(Director's Staff)

Chairman Joe Melton  
Commissioner Michael M. Golightly  
Commissioner William H. McLean  
Commissioner Robert Hernbrode  
Commissioner Jennifer L. Martin

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Shelley Cutts

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments  
for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Pat Barber, Law Enforcement Branch Chief

Each of these cases have been reviewed and it has been determined that all cases meet the criteria established in A.R.S. §15-714, §17-238, §17-314, §17-340, §17-362 and/or §17-363 for Commission action. The Commission and the respondents have been provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. All of these exhibits may be considered by the Commission in order to make a final determination. Each individual has been legally noticed for this hearing.

In these cases, the date on the original notice mailed to the respondents was for yesterday, December 8, 2006; however an additional notice was sent out with today's date and new notices were also hand delivered to each respondent.

The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed below:

Name

Conviction

Pennington, Clinton D.

Count A: Take wildlife without a license/tag (deer).  
Count B: Possession of unlawfully taken wildlife (deer).

Facundo Flores-Estrada, Moises  
Taylor, Derek

Count A: Take wildlife without a valid license (deer).  
Count A: Possess/transport unlawfully taken big game  
(black bear).

Polzin, John D.

Count B: Allow another person to use tag (black bear).  
Count 1: Take mule deer buck without valid  
license/permit.  
Count 3: Possess unlawfully taken mule deer buck.  
Count 6: Obtain 2005 resident hunt/fish license by fraud.  
Count 14: Take bull elk without valid license/permit.

Polzin, Shelly L.	Count 15: Possess unlawfully taken bull elk. Count 30: Possess unlawfully taken mule deer buck. Count 32: Obtain 2006 resident hunt/fish license by fraud. Count 35: Possess unlawfully taken bull elk.
Byrum, Shane D.	Failure to comply with terms of a citation for wildlife violations of Count 1: Fishing or hunting without a license; and Count 2: Illegally take, transport, sell or purchase protected wildlife as per the terms of the Wildlife Violator Compact.

Roll call was taken and the following were present: Clinton Pennington, Derek Taylor, John Polzin, Shelly Polzin, Shane Byrum.

**Motion:** McLean moved and Hernbrode seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous  
Martin absent

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Clinton D. Pennington

Pennington was found guilty by the Verde Valley Justice Court for: Count A: Take wildlife without license/tag (mule deer buck); and Count B: Possession of unlawfully taken wildlife (mule deer buck); and sentenced Count A: Fined \$215.00; and Count B: Fined \$215.00.

Pennington was present and addressed the Commission apologizing for his actions.

Commissioner McLean confirmed with Mr. Pennington that while Mr. Pennington was scouting for his wife, he was carrying his wife's tag with which he tagged the mule deer after he shot it.

Commissioner Golightly stated for the record that under the new statute there is a new definition of a trophy animal. Commissioner Golightly read the definition from A.R.S. 17-101 as follows: ...a mule deer buck with at least for points on one antler, not including the eye guard point; and from A.R.S. 17-314 as follows: ...the civil action in the name of the State against any person unlawfully taking, wounding or killing or unlawfully in possession of any of the following wildlife or parts thereof, and seek to recover the following minimum sums as damage to the State of Arizona for each trophy or endangered species animal, an \$8000 minimum.

**Motion:** Golightly moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CLINTON D. PENNINGTON TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FOUR (4)** YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING

FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **CLINTON D. PENNINGTON** TO COLLECT THE AMOUNT OF **\$8000.00** FOR THE LOSS OF **ONE (1) TROPHY ANIMAL – 4X4 MULE DEER BUCK**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous  
4 to 0  
Martin abstained

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Derek Taylor

Taylor was found guilty by the Graham County Justice Court for: Count A: Possess/transport unlawfully taken big game (black bear); and Count B: Allow another person to use tag (black bear); and sentenced Count A: Fined \$250.00; and Count B: Fined \$177.00; and twelve (12) months of unsupervised probation.

Mr. Barber stated that another person was part of this case and had not been adjudicated when this case was noticed, so the case summary assigns the full bear to Mr. Taylor. The corresponding case will be in front of the Commission in January and it is at the discretion of the Commission if they wish to split responsibility of the bear.

Chairman Melton asked if the other person was found guilty, to which Mr. Barber responded that he was found guilty.

Taylor was present and addressed the Commission apologizing for his actions, and further stated that he thought bear season was still open.

**Motion:** Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **DEREK TAYLOR** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT **SHARED** CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **DEREK TAYLOR** TO COLLECT THE AMOUNT OF **\$750.00** FOR **HIS PART IN** THE LOSS OF **ONE (1) BLACK BEAR**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Aye Melton, McLean, Hernbrode, Martin  
Nay Golightly  
Passed 4 to 1

Commissioner McLean commented that \$750.00 was cheap for this bear and that he would have voted aye for the full amount of \$1500.00.

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The following two cases were related.

John D. Polzin

Polzin was found guilty by the Show Low Justice Court for: Count 1: Take mule deer buck without valid license/permit; Count 3: Possess unlawfully taken mule deer buck; Count 6: Obtain 2005 resident hunt/fish license by fraud; Count 14: Take bull elk without valid license/permit; Count 15: Possess unlawfully taken bull elk; and sentenced Counts 1, 3, 6, 14, and 15: Seven (7) days in county jail, and 1,000 hours of community service to be completed by September 1, 2007, or serve an additional eighty-three (83) days in jail.

Polzin was present and addressed the Commission denying any wrongdoing. He had moved to Arizona and thought he was a resident at the time he hunted, and he felt he was being persecuted. Polzin further questioned whether the animals were qualified as trophies, and whether or not the new 2006 laws could be used for a 2005 incident.

Ms. Cutts stated that the new laws can be applied retroactively and that Mr. Polzin was subject to the new A.R.S. Section 17-314.

Commissioner McLean clarified and confirmed with Mr. Barber that evidence was found that the mule deer had been taken by other means than archery, that the animal was taken after the last closing day of the previous deer archery season, and that there was evidence that the bull elk was killed in Arizona. Commissioner McLean confirmed with Mr. Barber several other facts in the case as well.

**Motion:** Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOHN D. POLZIN TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TEN (10) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JOHN D. POLZIN TO COLLECT THE AMOUNT OF \$16,000.00 FOR THE LOSS OF TWO (2) TROPHY ANIMALS – ONE (1) 6X6 BULL ELK SCORED AT 349" AND ONE (1) 7X5 MULE DEER BUCK SCORED AT 199% AND 199%; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND

ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Shelly L. Polzin

Polzin was found guilty by the Show Low Justice Court for: Count 30: Possess unlawfully taken mule deer buck; Count 32: Obtain 2006 resident hunt/fish license by fraud; Count 35: Possess unlawfully taken bull elk; and Sentenced Counts 30, 32, 35: Fined \$729.00

Polzin was present and stated that she did not take any animals and that she believed herself to be a resident when she obtained her license.

Commissioner McLean confirmed with Mr. Barber that Ms. Polzin was charged with multiple felony charges which, pursuant to the plea agreement, were reduced to misdemeanors and a fine of \$729.00.

**Motion:** Hernbrode moved THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SHELLY L. POLZIN TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND SHE BE DENIED ANOTHER FOR A PERIOD OF TEN (10) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT SHE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Ms. Cutts stated that Ms. Polzin was not convicted or found guilty of an offense involving the unlawful take of wildlife and therefore the revocation enhancement provisions of A.R.S. Section 17-340 (B) only apply with respect to offenses for unlawful take.

**Amended Motion:** Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SHELLY L. POLZIN TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND SHE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT SHE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND

ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Aye Melton, Golightly, Hernbrode, Martin  
Nay McLean  
Passed 4 to 1

Commissioner McLean stated that he would have included the full civil assessment as a co-assessment against Ms. Polzin to make sure it is collected.

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Shane D. Byrum

The Arizona Game and Fish Department in accord with the State of Utah, asserts that Shane D. Byrum failed to comply with the terms of a citation issued on September 3, 2005, and failed to appear as directed on September 17, 2005, in the State of Utah for Count 1: Fishing or hunting without a license; and Count 2: Illegally take, transport, sell or purchase protected wildlife.

The following is in accordance with the Wildlife Violator Compact for which the States of Utah and Arizona are participating members.

Byrum was present and accepted responsibility, and promised to take care of this business.

**Motion:** McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF SHANE D. BYRUM TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE SUSPENDED AND HE BE DENIED ANOTHER UNTIL THE LICENSING AUTHORITY FROM THE STATE OF UTAH FURNISHES THE DEPARTMENT WITH SATISFACTORY EVIDENCE OF THE SUBJECT'S COMPLIANCE WITH THE ORIGINAL CITATION; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Moises Facundo Flores-Estrada

Flores-Estrada was found guilty by the North Mesa Justice Court for: Count A: Take wildlife without valid license (deer); and Sentenced Count A: Fined \$500.00; and twenty-four (24) months of probation.

Flores-Estrada was not present.

**Motion:** McLean moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MOISES FACUNDO FLORES-ESTRADA TO HUNT, FISH AND TRAP

IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5)** YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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These hearings concluded at 3:16 p.m.

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